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8

9 UNITED STATES DISTRICT COURT

10 DISTRICT OF NEVADA

11 TERRELL DESHON KEMP, SR.,

CASE NO. 2:18-cv-00169-RFB-BNW

12 Plaintiff,

**STIPULATION TO EXTEND
DISCOVERY**

13 vs.

14 LAS VEGAS METROPOLITAN POLICE
DEPARTMENT; ET AL.

(FIFTH REQUEST)

15 Defendants.
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18 IT IS HEREBY STIPULATED AND AGREED between the parties that the discovery cut-
19 off date of July 24, 2020, be continued for a period of ninety (90) days up to and including
20 October 23, 2020, for the purpose of allowing to subpoena third-parties, disclose expert witnesses,
21 and take depositions of the parties.

22 **I. DISCOVERY COMPLETED TO DATE**

23 The parties have exchanged their initial Rule 26 Disclosures and supplemented their Rule
24 26 Disclosures. Defendants Williamson, NaphCare and Komascar ("NaphCare Defendants")
25 served Interrogatories and Requests for Production of Documents on Plaintiff; and responses were
26 due July 8, 2019. Defendants Las Vegas Metropolitan Police Department, Schmidt, Dawson and
27 Hardy served their Interrogatories, Requests for Admissions and Requests for Production of
28 Documents ("LVMPD Defendants") on Plaintiff; and responses were due to all by November 1,

2019. Plaintiff requested extensions to respond to written discovery were granted due to Plaintiff's incarceration and difficulties communicating with Counsel. Therefore, Plaintiff did not provide his responses to NaphCare Defendants and LVMPD Defendants until December 20, 2019. LVMPD Defendants disclosed their initial expert report. NaphCare Defendants served subpoenas to Plaintiff's previous medical providers and previous employers. NaphCare Defendants provided additional medical records obtained via subpoena in a 1st Supplement to their Rule 26 Disclosure.

II. DISCOVERY YET TO BE COMPLETED

Defendants will serve a subpoena for a copy of Plaintiff's medical records from Ely State Prison. The parties will schedule the deposition of Plaintiff. Experts will then review Plaintiff's deposition transcript and any additional medical records to provide their opinions. Supplemental expert reports will be disclosed and any necessary rebuttal expert reports.

III. REASONS WHY REMAINING DISCOVERY HAS NOT BEEN COMPLETED

As this Court is aware, Plaintiff recently amended his Complaint to add three new causes of action (Negligence, Negligence Per Se, and Negligent Hiring, Training, Selection and Supervision) against NaphCare Defendants and LVMPD Defendants. [ECF No. 75]. The parties will need to complete additional discovery for the new causes of action. Further, the parties require additional time to schedule Plaintiff's deposition at Ely State Prison due to the current COVID-19 restrictions.

IV. PROPOSED EXTENDED DEADLINES

The parties respectfully request this Court enter an order as follows:

A. Discovery Deadline.

The current discovery cut-off date of July 24, 2020, should be extended for a period of ninety (90) days, up to and including **October 23, 2020**.

B. Experts and Rebuttal Experts.

The parties, and each of them, shall disclose their experts to each other at least sixty (60) days before the discovery cut-off date, or by **August 24, 2020**. The parties, and each of them, shall disclose rebuttal experts at least thirty (30) days after the initial date for disclosure of experts, or by **September 24, 2020**.

1 **C. Dispositive Motions.**

2 All pretrial motions, including but not limited to, discovery motions, motions to dismiss,
3 motions for summary judgment, and all other dispositive motions shall be filed and served no later
4 than thirty (30) days after the close of discovery, or by **November 23, 2020**.

5 **D. Motions in Limine/Daubert Motions.**

6 Under LR 16-3(b), any motions in limine, including Daubert motions, shall be filed and
7 served 30 days prior to the commencement of Trial. Oppositions shall be filed and served and the
8 motion submitted for decision 14 days thereafter. Reply briefs will be allowed only with leave of
9 the Court.

10 **E. Pretrial Order.**

11 Pursuant to LR 26(1)(e)(5), the Joint Pretrial Order shall be filed with this Court no later
12 than thirty (30) days after the date set for filing dispositive motions, or by **December 23, 2020**,
13 unless dispositive motions are filed, in which case the date for filing the Joint Pretrial Order shall
14 be suspended until 30 days after the decision on the dispositive motions or further order of this
15 Court. The disclosures required by Fed. R. Civ. P. 26(a)(3) and any objections shall be included in
16 the final pretrial order.

17 **F. Interim Status Report.**

18 In accordance with LR 26-3, not later than sixty (60) days before the discovery cut-off, the
19 parties shall submit an interim status report stating the time they estimate will be required for trial
20 giving three (3) alternative available trial dates, and stating whether in the opinion of counsel who
21 will try the case, trial will be eliminated or its length affected by substantive motions. The status
22 report shall be signed by counsel for each party or the party, if appearing in pro se. The parties
23 shall file the interim status report by **August 24, 2020**.

24 **G. Extensions or Modification of the Discovery Plan and Scheduling Order.**

25 In accordance with LR 26-4, applications to extend any date set by the discovery plan,
26 scheduling order, or other order must, in addition to satisfying the requirements of LR 6-1, be
27 supported by a showing of good cause for the extension. All motions or stipulations to extend a
28 deadline set forth in a discovery plan shall be received by the Court not later than 21 days before

1 the expiration of the subject deadline. A request made after the expiration of the subject deadline
2 shall not be granted unless the movant demonstrates that the failure to set was the result of
3 excusable neglect. Any motion or stipulation to extend a deadline or to reopen discovery shall
4 include:

- 5 (a) A statement specifying the discovery completed;
- 6 (b) A specific description of the discovery that remains to be completed;
- 7 (c) The reasons why the deadline was not satisfied or the remaining discovery was not
8 completed within the time limits set by the discovery plan; and
- 9 (d) A proposed schedule for completing all discovery.

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1 This request for an extension is made in good faith and joined by all the parties in this case.
2 Trial is not yet set in this matter and dispositive motions have not yet been filed. Accordingly, this
3 extension will not delay this case. Moreover, since this request is a joint request, neither party will
4 be prejudiced. The extension will allow the parties the necessary time to complete discovery.

5 Dated: this 8th day of May, 2020.
6 LEWIS BRISBOIS BISGAARD & SMITH
7 LLP

Dated: this 8th day of May, 2020.
KAEMPFER CROWELL

8 /s/ Katherine J. Gordon

/s/ Lyssa S. Anderson

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Officer Hugh Hardy

14 Dated: this 8th day of May, 2020.
15 HATFIELD LAW ASSOCIATES

16 /s/ Trevor J. Hatfield

17 TREVOR J. HATFIELD
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18 703 S. Eighth Street
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19 *Attorney for Plaintiff*

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21 **IT IS SO ORDERED: 5/11/2020**

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24 **UNITED STATES MAGISTRATE JUDGE**
25 **CASE NO.: 2:18-cv-00169-RFB-BNW**
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